

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

UNITED STATES OF AMERICA,	}	
	}	
Plaintiff,	}	CASE NO. 17 CR 197
	}	
v.	}	JUDGE: GAUGHAN,P.
	}	
GLEN SHEFFIELD,	}	
	}	<b>SENTENCING MEMORANDUM AND</b>
	}	<b>REQUEST FOR A RECOMMENDATION</b>
Defendant.	}	<b>FOR DRUG TREATMENT PURSUANT TO</b>
	}	<b>18 U.S.C. SECT. 2612(e) AND 28 C.F.R.</b>
		<b>SECT 550.50</b>

Now comes the Defendant, GLEN SHEFFIELD by and through his counsel, and respectfully submits the attached sentencing memorandum and motion as is more fully supported by the arguments and law cited therein. The presentence report is also incorporated in this memo by reference and indicates that Mr. Sheffield's addiction to alcohol began at an early age and , according to him, he drank alcohol every day when he was on supervision and he could not smoke marijuana .Mr. Sheffield first tried marijuana when he was 12 years old and continued the use of it on a daily basis when he was 14 and has continued to the present time. This pattern of alcohol/substance abuse should indicate the need , if recommended, for the 500 hour RDAP program available through the Bureau of Prisons. This addiction has led him and contributed to his involvement in the present case. The resulting debilitating psychological and physical conditions associated therewith and should be sufficient to warrant: 1) As part of the sentence, a

recommendation for intensive alcohol/drug treatment pursuant to 18 U.S.C. sect. 3612(e) and 28 C.F.R. sect 550.50; 2) Examine his criminal history and , if possible , consider the minimum sentence of 25 years as set forth in the plea agreement and allowed in this case. Mr. Sheffield fully accepted his responsibility by entering a plea.

**The 3553 Factors** After the decision in *Gall v. United States*, 552 U.S. 38(2007), the Court is fully aware of its broad discretion in imposing a sentence. While the Court must consider the guideline range, it is only “one factor among several.” *Kimbrough v. United States*, 552 U.S. 85. 90 (2007). The touchstone for the ultimate analysis remains the command contained in 18 U.S.C. sect. 3553(a) that the Court “impose a sentence sufficient , but not greater than necessary” to satisfy the goals of sentencing : after considering the nature of the offense and the offender, providing just punishment, affording deterrence , protecting the public and assisting in rehabilitation. Moreover, this Honorable Court , in applying the 3553(a) factors should consider those factors enumerated in the pre sentence report.

The Court in applying 3553 (a) factors in determining the applicability of a sufficiently fair and not overly harsh sentence that would satisfy the parsimony clause of section 3553 by sentencing Mr. Sheffield to a term of 25 years incarceration which is sufficient but not greater than necessary .

Respectfully submitted,

    s/jkersey      
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**ATTORNEY FOR DEFENDANT**

**SERVICE**

Now comes the undersigned and hereby certifies that a copy of the foregoing Sentencing Memorandum Drug Treatment Pursuant to 18 U.S.C. Section 3612(e) and 28 C.F.R. sect. 550.50 was sent by e-mail to Teresa L. Riley, Asst. United States Atty., 801 W. Superior Ave., Suite 400, Cleveland, Ohio 44113 this <sup>3rd</sup> day of April , 2018.

    s/jkersey      
James M. Kersey

